



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
UPPER PENINSULA DISTRICT OFFICE



STEVEN E. CHESTER
DIRECTOR

March 26, 2009

**SUBMITTAL OF A
BASELINE ENVIRONMENTAL ASSESSMENT**

Submitter:

Kennecott Eagle Land, LLC
504 Spruce Street
Ishpeming, MI 49849

BEA ID#:

B200900424UP

Property Address/Location:

4547 County Road 601
Champion, MI 49814

The Department of Environmental Quality (DEQ) received on March 26, 2009, a Baseline Environmental Assessment (BEA) dated March 25, 2009, and prepared by Foth Infrastructure & Environment, LLC for the above submitter. This BEA disclosure was submitted pursuant to Section 20126(1)(c) of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.20126.

The submitter has not requested a written determination by the DEQ on the adequacy of the BEA, as allowed in Section 20129a of Part 201 of the NREPA. The BEA may be reviewed in the future to determine its adequacy. If the BEA is determined to be inadequate, the submitter may be liable under Part 201 for the contamination at the facility.

The DEQ is not at this time making any findings about whether the submitter is otherwise liable or covered by any other exemption from liability under Part 201. This BEA does not alter liability with regard to a subsequent release or threat of release or any exacerbation of existing conditions. This BEA is only for the person and property identified in the petition. The use of the property and any response activity undertaken must be in accordance with the requirements of all applicable or relevant and appropriate state and federal laws and regulations. Liability protection is conditioned on the timely and satisfactory completion of any response activities described in the submittal. Pursuant to R 299.5919(2), if the submitter sells or transfers the property, the submitter is required to disclose the BEA to a subsequent owner or operator in order to be entitled to an exemption from liability.

The BEA is based on the proposed use of hazardous substances as identified in the BEA. The DEQ will maintain an administrative record of each BEA. If at any time you provide the DEQ with post-BEA information related to your BEA, the DEQ will retain such information with the administrative record. Such post-BEA information will not be considered part of the BEA and acceptance of such information by the DEQ should in no way be construed to mean the DEQ will review or advise the submitter regarding the adequacy of such information for any purpose.

The submitter, as the owner and/or operator of a facility, has the following Due Care responsibilities under Section 20107a of Part 201 and Part 10 of the Part 201 Rules, unless covered by the exemptions in Section 20107a(4) or (5):


- Undertake measures as are necessary to prevent exacerbation of the existing contamination.
- Exercise due care by undertaking response activity necessary to mitigate unacceptable exposure to hazardous substances, mitigate fire and explosion hazards due to hazardous substances, and allow for the intended use of the facility in a manner that protects the public health and safety.
- Take reasonable precautions against the reasonably foreseeable acts or omissions of a third party and the consequences that foreseeably could result from those acts or omissions.
- Notify the DEQ if there are discarded or abandoned containers that contain hazardous substances on the property using Form EQP4476.
- Notify the DEQ and adjacent property owners if contaminants are migrating off the property (refer to Form EQP4482).
- Notify the local fire department if there is a fire or explosion hazard.
- Notify utility and easement holders if contaminants could cause unacceptable exposures and/or fire and explosion hazards.

Rule 1003(5) requires a person who is subject to the provisions of Section 20107a to maintain documentation of compliance with these requirements and to provide such documentation to the DEQ upon request. If the property use changes in the future, additional due care measures may be necessary. The property owner and operator must reevaluate and document their continued compliance with Section 20107a.

The submitter may also have responsibility under applicable state and federal laws, including, but not limited to, Part 201, Environmental Remediation; Part 111, Hazardous Waste Management; Part 211, Underground Storage Tank Regulations; Part 213, Leaking Underground Storage Tanks; Part 615, Supervisor of Wells, of the NREPA; and the Michigan Fire Prevention Code, 1941 PA 207, as amended.

The BEA constitutes a response activity; consequently, this submittal is subject to Section 20137(4) and (5) of the NREPA.

Authorized signature:


Clifton Clark, District Supervisor
Remediation and Redevelopment Division
Upper Peninsula District Office
906-346-8300

3/27/09
Date

Attachment